

GREENLEE, WINNER AND SULLIVAN, P.C.
5370 Manhattan Circle, Suite 201
Boulder, Colorado 80303 USA
Telephone (303) 499-8080
Fax (303) 499-8089

FACSIMILE COVER SHEET

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TO: Examiner Elizabeth F. McElwain
Group 1638
FIRM NAME: U.S. Patent and Trademark Office
FACSIMILE NUMBER: (703) 308-4242
FROM: Donna M. Ferber
RE: USSN: 09/837,751
Our Docket No. 45-00

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MAY 12 2003

GROUP 1600**OFFICIAL**

MESSAGE: Transmitted herewith:
Request for Reconsideration of Requirement for Restriction

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#11
Response

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ;
Allen et al. : Group Art Unit: 1638
Serial No. 09/837,751 : Examiner: Elizabeth F. McElwain
Filed: April 18, 2001 : Confirmation No.: 8897
For: METHOD OF MODIFYING THE
CONTENT OF COTTONSEED OIL

CERTIFICATE OF TRANSMISSION	
I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office No. 703-308-4242.	
Date <u>9 May 2003</u>	<u>B. Kroge</u> B. Kroge

REQUEST FOR RECONSIDERATION OF REQUIREMENT FOR RESTRICTION

Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

Sir:

In response to the Office Action mailed April 9, 2003, Applicants respectfully request reconsideration of the requirement for restriction and the present remarks.

The Requirement for Restriction

The Patent Office has alleged that the response filed January 21, 2003 was not fully responsive to the requirement for restriction. The Office acknowledged Applicant's election of the claims of Group VI for examination but states that the Applicant has filed to elect a single nucleotide sequence.

The Patent Office has incorrectly alleged that the original claims of Group VI were not drawn to more than one nucleotide sequence, but that the claims presented in January 2003 are drawn to more than one sequence. Applicants respectfully note that originally filed claim 1 includes sequences encoding fatty

acid $\Delta 9$ -desaturase or fatty acid $\Delta 12$ desaturase, clearly encompassing more than a single nucleotide sequence.

Without making any acquiescence that the synonymous nucleotide sequences encoding the amino acid sequence set forth in SEQ ID NO:4 represent more than a single invention, Applicants elect (with traverse) the single nucleotide sequence set forth in SEQ ID NO:3 for examination. Applicants respectfully request that the Patent Office withdraw the requirement for restriction in that election of a single amino acid sequence and a single nucleotide sequence encoding same is required, so that at a minimum, synonymous codings are encompassed by the claim.

Applicants take this opportunity to state on the record that the present invention methods of modifying the oil content of cotton seeds by the use of at least 20 nucleotides of the fatty acid $\Delta 12$ desaturase gene, and transgenic cotton plants and seed comprising that sequence.

Conclusion

In view of the foregoing, it is submitted that this case is in condition for allowance, and passage to issuance is respectfully requested. If there are any outstanding issues related to patentability, the courtesy of a telephone interview is requested, and the Examiner is invited to call to arrange a mutually convenient time.

It is believed that this response does not require the payment of any fees pursuant to 37 C.F.R. 1.16-1.17. If this is incorrect, please deduct any fee due under the foregoing Rules from Deposit Account No. 07-1969.

Respectfully submitted,



Donna M. Ferber
Reg. No. 33,878

GREENLEE, WINNER & SULLIVAN, P.C.
5370 Manhattan Circle, Suite 201
Boulder, CO 80303
Telephone: (303) 499-8080
Facsimile: (303) 499-8089
Email: winner@greenwin.com
Attorney docket No.45-00
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